

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13082, of Judith Wills, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the minimum lot area and lot width requirements (Sub-section 3301.1) for a proposed subdivision of three lots into two lots in an R-4 District at the premises 314½ G Street, S.E., (Square 795, Lots 842, 844 and 31).

HEARING DATE: November 14, 1979
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the north side of G Street between Third and 4th Streets, S.E.
2. The property involved in this application consists of three lots, assessment and taxation lots 842 and 844 and record lot 31.
3. On April 7, 1961, a subdivision was filed creating two record lots, 44 and 45. Lot 45 included what is now described as lots 842 and 844, as shown on the plat marked as Exhibit No. 10 of the record. Lot 44 included property located to the west of lot 45 at 312 G Street and is not a part of this application.
4. On April 12, 1962, part of lot 45 was sold. The owners retained ownership of that part of lot 45 known as lot 842. The purchaser of that part of lot 45 known as lot 844 erected a single family row dwelling on the site known as 314 G Street, S.E.
5. Even though lot 45 had been divided by metes and bounds into two assessment and taxation lots, the records of the Surveyor continue to show lot 45 as a record lot. The approval of construction of 314 G Street was based on the total lot area and lot width of record lot 45.
6. The applicant in this case purchased lot 31 with the building known as 314½ G Street in 1973. She also purchased lot 842 from the person who had owned it since 1961.

7. Lot 844 is a rectangular lot fifteen feet wide by 100 feet deep fronting on G Street. Lot 31 is an unusual shaped lot, having a width of 12.48 feet on G Street. The lot is 12.48 feet wide for a depth of fifty feet, and then narrows to a width of only 4.48 feet for the remainder of the 100 foot depth. Lot 842 is eight feet wide and fifty feet long, has no street frontage and is located behind lot 31.

8. Lot 844 has an area of 1500 square feet, lot 31 has 848 square feet and lot 842 has 400 square feet.

9. The applicant now proposes to subdivide lots 31 and 842 into one record lot. That lot would be a rectangular shaped lot with an area of 1248 square feet and a width of 12.48 feet. The R-4 District requires a minimum lot area of 1,800 square feet and a minimum lot width of eighteen feet for a row dwelling. The lot would thus be substandard by 552 square feet in area and 5.42 feet in width, and variances would be required.

10. The remainder of record lot 45 would have an area of 1500 square feet and would have a width of fifteen feet, the present dimensions of lot 844.

11. The variance requested would not reduce the total area or total width of the three lots. It would reduce the area of lot 45 by 400 feet and increase the area of lot 31 by 400 feet. It would also result in the creation of two regular, rectangular lots.

12. Even though lot 842 has been a part of lot 45, it has never been used by the owner of the building at 314 G Street. A fence separates lot 842 from lot 844.

13. The Capitol Hill Restoration Society, by letter dated November 9, 1979, supported the application.

14. Advisory Neighborhood Commission - 6B submitted no position on the application.

15. The owners of the dwelling at 314 G Street appeared at the hearing. They did not object to the granting of the variance to allow the subdivision of the lots. They did object to the construction of an addition to the rear of the existing house which the subdivision would allow. That addition would fill in a court which is three feet wide and is located at the northwest corner of the building, adjacent to the lot line of lot 844. The neighbors objected that the filling-in of the court would deprive them of light and air. The neighbors further objected to the manner in which previous demolition work had occurred on the property.

The neighbors submitted photographs for the record, marked as Exhibit No. 20, showing construction debris from the subject building which had landed in their yard. The neighbors also objected to the present condition of the maintenance of the property.

16. As to the objections raised by the neighboring property owners, the Board finds that the construction of the addition is not directly in the jurisdiction of the Board, since no variance relief would be required if the subdivision is approved. The Board further finds that the area to be filled in is very small, and will have no material impact on the adjoining property. As to past demolition and future construction, the counsel for the applicant and the architect who holds the owner's power of attorney took the responsibility for assuring that any future work would be properly supervised.


CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size, dimensions and location of the lots in question combine to create such a situation. The Board notes that the total area involved remains unchanged, and that the subdivision as approved would result in two regular, rectangular lots. The Board concludes that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (John G. Parsons, Charles R. Norris, Connie Fortune, Leonard L. McCants and William F. McIntosh to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 MAR 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."